

## REMARKS

Claim 26 stands rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. It has been amended to clarify the meaning of the claim language. Claims 3 and 18-20 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3 has been amended to clarify the meaning of the term. "compound containing two or more complexes". Claims 18-20 are drawn to "R" variables; however, their parent claim 13 does not set forth "R" variables. These claims have been amended to depend from claim 15.1

Claims 1-9, 13, 14, 21-23, 28 and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Igarashi (US 2001/0019782) in view of Williams et al., Inorganic Chemistry, (2003), Vol. 42, pages 8609-8611 (published November 2003). According to the Examiner:

Igarashi teaches light-emitting devices comprising organometallic light emitting compounds (see par. 10 and 11). The light-emitting device is preferably a device comprising a transition metal complex, preferably an iridium complex or platinum complex (see par. 99). Igarashi fails to teach the use of the specific luminescent platinum complex recited in claim 1. Williams et al. teach in analogous art a luminescent platinum compound according to the claim 1 description (see page 8609, lower second column). Williams et al. further teaches the compound may be applied to electroluminescent applications (see page 8611, second full paragraph, second column). With regard to claims 5 and 9, "L" is a chlorine atom. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used the luminescent platinum compound taught by Williams in the Igarashi device, because Igarashi teaches transition metal complexes are desired in the light emitting layer. Igarashi teaches forming the light emitting layer with a mixture of hole injecting material PVK, electron injecting material PBD, and the organometallic compounds in an amount of less than 50% of the total weight of the light emitting layer (see page 28, comparative example 1 and example 1) with regard to claims 21-23.

It is clear that the present claims are limited to an emitter with a (N^C^N) tridentate ligand. As the Examiner notes, there does not appear to be

such a ligand suggested in Igarashi. The Examiner thus relies on the disclosure of Williams to supply the disclosure of such a ligand. However, the Williams reference is not prior art. The enclosed Rule 131 Declaration establishes that the present inventors had completed an actual reduction to practice before the effective publication date of the reference. The showing includes the exact L<sup>1</sup> ligand of Williams, which corresponds to Inv-1 of the invention. The showing also extends to variations in the anion and metal of the complex. It is also notable that Williams does not specifically suggest an OLED device containing the compound. Thus, Williams is not prior art suitable to be combined with Igarashi and the Examiner's combination rejection is obviated.

A supplemental IDS was submitted on April 5 including the PCT search report on the subject invention. It is noted that the IDS cited WO 2004/039781 does not appear to be prior art. It was not published until May 13, 2004, after the date of the present application, and was published in Japanese rather than English so that it is not effective art in the U.S. as of its foreign filing date under 35 USC 102 (e). See MPEP 706.02(f).

In view of The Examiner is respectfully requested to withdraw the outstanding rejection and to pass the subject application to Allowance.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

Encl: Declaration Pursuant to 37 C.F.R. 1.131